

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.13294 of 2006

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Dated:27.07.2006

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Between:

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M/s.Sanjeevaiah Nagar Cooperative House Building Society.
...Petitioners
and

Govt. of A.P., rep. by its Chief Commissioner, and others.

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.13294 of 2006

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ORDER:

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M/s.Sanjeevaiah Nagar Cooperative House Building Society filed a representation before the Chief Commissioner of Land Administration (CCLA), Hyderabad, the first respondent herein, requesting him to direct the District Collector, Hyderabad, and the Mandal Revenue Officer, Tirumalgiri, to collect Non Agricultural Land Tax (NALA) from the members of the petitioner-Association and give instructions to the Cantonment Board to collect property tax from the members of the petitioner-Association. In the said representation the petitioner alleged that the members of the petitioner-Association are in possession of the residential plots in Survey No.81 admeasuring Acs.4.30 guntas in GLR No.350 situated at Bowenpally Village, that the land was purchased under registered sale deed from the recorded pattadar in 1984, that the land was exempted from the provisions of the Urban Land (Ceiling and Regulation) Act, 1976, and that all the members who purchased the property formed into an Association to espouse their cause. The petitioner also alleged that when the members of the petitioner-Association sought the assistance of the Federation of Societies for obtaining house building loans, they were advised to produce the copies of the mutation, evidence of payment of NALA and property tax. When the petitioner approached the

Cantonment Board authorities and the revenue authorities, they refused to collect these taxes.

After receiving the representation, the first respondent sent the same to the District Collector, Hyderabad, as well as the Mandal Revenue Officer by his communication, CCLA's Ref.No.ROM/ROR/148/06, dated 31.03.2006, requesting to examine the matter. The petitioner alleges that when the matter was to be decided by the first respondent himself, it was improper to have delegated the same to the District Collector. It is, however, not denied that the matter is still pending before the District Collector and the Mandal Revenue Officer. At the first stage, it would be better if the request of the petitioner is considered by the District Collector and the Mandal Revenue Officer.

Therefore, instead of keeping the matter pending, this Writ Petition is disposed of directing the District Collector, Hyderabad, and the Mandal Revenue Officer, Tirumalgiri, to consider the representation of the petitioner made to CCLA, which was endorsed by a memo of the CCLA, dated 31.03.2006. This exercise may be completed within a period of three months from the date of receipt of a copy of this order. Be it recorded that this order is not intended to deny any title to the petitioner, if it exists with it, or confer any title on the petitioner if it is not vested in it. The petitioner-Association already filed a suit before the civil Court, in which all the issues have to be decided independently.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

27.07.2006

Note: Issue C.C in one week.

B/o.

vs